

MENTAL ANGUISH INSTRUCTION

The term “mental anguish” implies a relatively high degree of mental pain and distress. It is more than mere disappointment, anger, resentment or embarrassment, although it may include all of these. It includes a mental sensation of pain resulting from such painful emotions as grief, severe disappointment, indignation, wounded pride, shame, despair and/or public humiliation. To establish a claim for “mental anguish” damages, a plaintiff must introduce either (1) direct evidence of the nature, duration, and severity of their mental anguish, thus establishing a substantial disruption in his or her daily routine, or (2) evidence of a high degree of mental pain and distress that is more than mere worry, anxiety, vexation, embarrassment, or anger.

Parkway Co. v. Woodruff, 901 S.W.2d 434, 444 (Tex. 1995); *Serv. Corp. Intern. v. Guerra*, 348 S.W.3d 221, 231 (Tex. 2011).

Do not consider the stress and time constraints, if any, associated with pursuing litigation. *Texas Mutual Ins. Co. v. Ray Ferguson Interests, Inc.*, 2006 WL 648834, *8 (Tex. App.-Houston [1st Dist.] 2006, pet. denied); *Eberts v. Business People Personnel Services, Inc.*, 620 S.W.2d 861, 863 (Tex. App.-Dallas 1981, no writ); *Thornton v. State Farm Lloyds*, 2005 WL 6789503, *5 (S.D. Tex. 2005).

GIVEN _____ REFUSED ☒ GIVEN AS MODIFIED _____

Mr. Ramos
9/20/13